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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARYBefore the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

MM DOCKET NO. 93-4

In re Applications of

ATKINS BROADCASTING

et al.

For Renewal of Licenses

File No. BRH-900327UP

To: Administrative Law Judge Joseph Chachkin

PETITION FOR EXTRAORDINARY RELIEF

Atkins Broadcasting, Caprock Educational Broadcasting Foundation, Southwest Educational Media Foundation of Texas, Inc., and Southwest Educational Media Foundation (herein "Atkins"), applicants in the above-captioned proceeding, by their counsel, hereby submit this petition for extraordinary relief seeking approval of a proposed distress sale of the above-referenced stations. In support whereof, the following is stated:

1. Atkins is concurrently submitting to the Commission applications seeking assignment of license of all stations owned by T. Kent Atkins or in which he has an interest, which consist of the following: Atkins Broadcasting - KRGH, Amarillo, TX; Caprock Educational Broadcasting Foundation - KLMN, Amarillo, TX and KAMY, Lubbock, TX; Southwest Educational Media Foundation of Texas, Inc. - KENT AM/FM, Odessa, TX; and Southwest Educational Media Foundation - KOJO, Lake Charles, TX. In addition, upon approval of the instant petition, Atkins requests that the following applications be dismissed: BPED-890313MD, Stanton, TX, for construction permit for a new noncommercial educational FM station at Stanton, TX, and BAPED-891130HR, for assignment of

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construction permit for noncommercial educational station KBTT(FM), Bridgeport, TX. Under Commission policy, the assignment of these stations would moot the designated issues in the hearing designation order and would terminate this proceeding. *Minority Ownership of Broadcast Facilities*, 42 RR 2d 1689 (1978); *Clarification of Distress Sale Policy*, 44 RR 2d 479 (1978); *Grayson Enterprises, Inc.*, 47 RR 2d 287 (1980).

2. The proposed sale herein meets the threshold criteria for relief by distress sale. First, the hearing has not yet commenced. Second, the proposed assignee is 100% minority controlled (all of the principals are Hispanic - see Exhibit 1 hereto, the Declarations of the 2 principals of the assignee). Finally, the parties have agreed to limit the purchase price to 75% of the fair market value of the stations (see Exhibit 2 hereto, which sets forth the required documentation relative to the purchase price).

3. The instant proposal also meets the following public interest objectives. The distress sale will conserve Commission resources since there will be no need for a hearing on the designated issues. It is clear from the HDO that the issues designated are both numerous and complex. The litigation involved would be extensive if the issues had to be tried. Thus, the distress sale clearly meets the objective of conserving Commission resources.

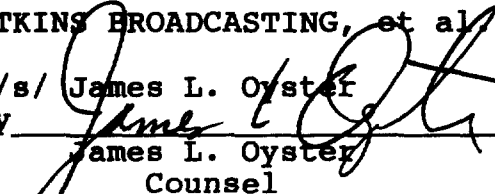
4. Secondly, the distress sale will permit the stations to be put in the hands of a qualified licensee expeditiously. The stations are currently under a cloud as a result of the instant proceeding. This is particularly important since these stations

are non-profit stations which utilize public donations for support. The public will be served by the expeditious assignment of the stations to a qualified licensee which can operate without the questions relating to qualifications which have been raised regarding Atkins.

WHEREFORE THE PREMISES CONSIDERED, it is respectfully requested that the Presiding Judge grant the instant petition for extraordinary relief and, subject to grant of the referenced assignment applications by the Mass Media Bureau, grant approval of the proposed distress sale by Atkins.

Respectfully submitted,

Law Offices
JAMES L. OYSTER
Rt. 1, Box 203A
Castleton, VA 22716
(703) 937-4800

ATKINS BROADCASTING, et al.
/s/ James L. Oyster
By 
James L. Oyster
Counsel

CERTIFICATE OF SERVICE

James L. Oyster hereby certifies that he has sent a copy of the foregoing by first class U.S. mail, postage prepaid, or by hand delivery, on or before the 3rd day of April, 1993, to the following:

James Shook, Esq.
Hearing Branch, Enforcement Division
Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W., Room 7212
Washington, D.C. 20554

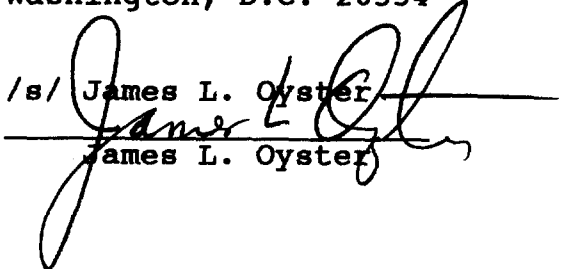
/s/ James L. Oyster

James L. Oyster

Exhibit 1

Declarations of Alex Ramirez and Jose E. Vega

DECLARATION

Jose E. Vega hereby makes the following declaration:

1. I am an Hispanic of Puerto Rican origin. Both of my parents were Puerto Rican.

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 31, 1993.

J. E. Vega

DECLARATION

Alex Ramirez hereby makes the following declaration:

1. I am an Hispanic of Cuban origin. Both of my parents were Cuban.

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 31, 1993.

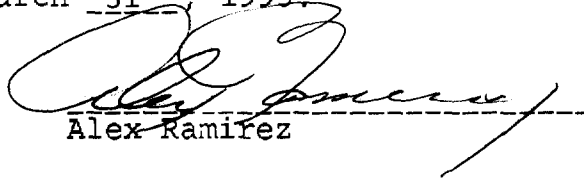

Alex Ramirez

Exhibit 2

Purchase Price

In order to facilitate the sale of the Atkins' stations pursuant to the Commission's distress sale policy, Atkins placed announcements in various newspapers in Texas and other parts of the country where large minority populations are located (copies of newspaper solicitations will be provided on request). Through this process, a group was identified from the Miami area which was interested in buying all the stations.

Since these stations are noncommercial (KRGV and KENT (AM))

could be operated as commercial-stationary the value of the sta-

tion permits). Therefore, Atkins agreed to gift these stations to Maranatha. The purchase price was then computed by taking the lowest appraisal (from the respective brokers) on each station as follows: KRGN - \$450,000.00; KENT (AM) - \$115,000.00; Odessa real estate - \$118,000.00; and KOJO-FM - \$90,000.00. 75% of the total was computed, which comes to \$595,000.00, which is the purchase price for the six stations.

Payments on the note are computed to be \$5,940.36 per month. This means that the first three months payments for the stations comes to \$17, 821.08. In order to demonstrate its financial qualifications, the buyer has placed the sum of \$25,000.00 in an account with Nations Bank of Florida. A copy of the deposit slip and Maranatha's pro forma financial statement are attached.



TO: Southwest Educational Media Foundation
RE: Stations Appraisal
FROM: Jack Riley
DATE: 4/15/93

ANALYSIS BY MARKET

Amarillo

KRGV is the most valuable property, whether as today's Class A or tomorrow's full C. Current pricing is low compared to two or three years ago but with duopoly already a fact here, it's most possible that it will rise again.

KLMN, being in the non-commercial band, has a value only to other non-commercial broadcasters. As this is a fluctuating value, the price shown is an estimate of the equipment replacement cost.

Lake Charles

KOJO-FM (see KLMN above)

Lubbock

KAMY-FM (see KLMN above)

Odessa

KENT-AM is an excellent signal in this market. The dial position and power would bring the amount noted in today's market and there is no reason this would not increase over the years.

KENT-FM (see KLMN above)

Real estate: The Odessa real estate consists of a 4000 sq. ft. downtown building with the lot it occupies. In addition, at the tower site there are 16 acres with a 450' tower. This is a very valuable site and is owned by [REDACTED]

APPRAISER'S CREDENTIALS

Briefly, the qualifications for appraisal assignments are the years of experience since 1963 in air media in the southwest. Riley Representatives was formed then as a sales representative firm for Radio advertising, representing Radio stations across the southwest. Since 1980 RR has also performed as appraiser and broker in all areas of this territory.

The writer has over 40 years experience in the broadcasting industry. I am active as a broker, an appraiser and as a station representative. As such I maintain a constant awareness of market values and the nuances which are peculiar to the industry.

The fair market value is the cash equivalent of an arm's length transaction between a willing seller and a fully informed purchaser. An operating asset valuation incorporates the worth of real estate, technical and office equipment, contracts, sale agreements, income leases and FCC licenses. The asset valuation excludes working capital and debt.

This report analyzes market and competitive conditions and estimates the present fair market value of the assets of the station(s). The valuation is based on current and historical station and market information and results of (1) cash flow valuation analysis and (2) recent comparable sales of Radio stations.

These three valuation approaches were utilized to arrive at a fair market value:

1. REPLACEMENT COSTS: for both tangible and intangible assets.
2. COMPARATIVE PRICES: utilizing our records for sales of comparable stations in comparable markets at a comparable time period.
3. CAPITALIZED EARNINGS: the price paid for return on investment in these markets.

I hereby certify that I have no interest in the subject property, present or contemplated. Neither my employment to make this appraisal nor my compensation are contingent upon valuations found.


Jack Riley
4/6/93

Dora-Clayton Agency, Inc.
ADVERTISING REPRESENTATIVES

April 16, 1993

Mr. Alex Ramirez
400 Leslie Drive
Apt. 204
Hallandale, Florida 33009

Dear Mr. Ramirez,

Enclosed please find our appraisal and supporting documents as requested. I trust that this is what you require.

I am also enclosing our statement for same.

Thank you very much for your confidence in us. It is a pleasure to be of service.

Most sincerely,
Dora-Clayton Agency, Inc.

Daniel A. Haight, Sr.
Daniel A. Haight, Sr.
President

DAH/ml
enclosures



Dora-Clayton Agency, Inc.

ADVERTISING REPRESENTATIVES

DANIEL A. HAIGHT, SR., Appraiser
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The Dora-Clayton Agency, Inc. was created in 1947 as an independent radio and television representative, brokerage and appraisal firm and has operated as such continuously since, incorporated in the state of Georgia. Haight bought controlling stock in the corporation in 1970, moving from general management of a chain of eleven radio stations owned by a prominent Georgia political family into active ownership and management of the firm.

Haight's experience in the retail field with the Goodyear Tire and Rubber Company and a major franchised dealer buying advertising and controlling budgets for the Atlanta market and eventually thirteen other southern markets led into becoming involved in radio construction and management.

Haight has been actively involved in the broadcast industry since 1962, and has been active in brokerage, appraising in addition to representation since his acquisition of Dora-Clayton in 1970. He stays in constant touch with the fluctuations of the marketplace, and has had considerable success in predicting trends and the direction values of specific stations would take.

Market value is the amount of cash a buyer who has investigated the market and has developed his plans for a given station is

Dora-Clayton Agency, Inc.
ADVERTISING REPRESENTATIVES

APPRAISAL:
=====

| <u>MARKET</u> | <u>STATION</u> | <u>FREQUENCY</u> | <u>CLASS</u> | <u>POWER</u> | <u>PRICE</u> |
|---------------|----------------|------------------|--------------|--------------|--------------|
| Amarillo | KRGN-FM | 103.1 | C | 100 kw | 450,000 |
| Amarillo | KLMN-FM | 89.1 | A | 650 w | 60,000 |
| Lake Chas. | KOJO-FM | 91.7 | A | 3000 w | 110,000 |
| Lubbock | KAMY-FM | 90.1 | A | 200 w | 55,000 |
| Odessa | KENT-AM | 920 | IV | 1000/500 w | 115,000 |
| Odessa | KENT-FM | 90.5 | C-2 | 6500 w | 90,000 |

Odessa Real Estate:

16 acres/ 4000 sq. ft. bldg.: 118,000

TOTAL APPRAISAL WORTH: \$998,000



APPRAISAL DATES:

AMARILLO: KRGH priced lower than might be expected, but value can be expected to increase in the future.

KLMN value shown is estimate of equipment replacement, due to the nature of the station.

LAKE CHARLES: KOJO FM value shown is estimate of equipment replacement, due to the nature of the station.

LUBBOCK: KAMY FM value shown is estimate of equipment replacement due to the nature of the station.

ODESSA: KENT AM serves this market with an excellent signal. Power and position on the dial would generate this amount, which can be expected to increase in the future.

KENT FM value shown is estimate of equipment replacement, due to the nature of the station.

REAL ESTATE: downtown lot and building of 4,000 sq. ft., plus tower site of 16 acres and a 450 foot tower. We rely on a local realtor's appraisal of the value noted.

**Pro Forma Financial Statement
Maranatha Radio, Inc.**

ASSETS

| | |
|--|----------------|
| Cash | \$ 25,000.00 |
| Contract for Purchase of Six Radio Stations Valued at | \$ 998,000.00 |
| Total | \$1,023,000.00 |

LIABILITIES

| | |
|---|---------------|
| Short Term Liabilities (Three Months Payments on Note) | \$ 17,821.08 |
| Note | \$ 595,000.00 |
| Total | \$ 612,821.08 |
| Net Worth | \$ 410,178.92 |

NationsBank®

Customer Receipt

NationsBank of Florida, N.A.

All items are credited subject to final payment.

Please retain this receipt until you receive your account statement.

The bank symbol, transaction number, date and amount of your transaction are shown below.

Thank you for banking with NationsBank.

000 988 006 40107 04-30-93 10:14
DEF COMM CKG 3602781003 \$25,000.00
\$24,900.00 AVAILABLE IN 5 BUSINESS DAYS